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Euro Elections 2009 – Germany

1. Background

Germany was amongst the group of six countries who created the European Coal and Steel Community in 1951 which laid the foundations for the emerging European integration process and the subsequent creation of the European Economic Community under the Treaty of Rome in 1957. Germany has traditionally been a pro-European member states and adopted a leading role in the setting European integration agenda in close partnership with France. Successive German governments have been in favour of the full parliamentarisation of the European Union by expanding the powers of the European parliament. Germany consequently took part in the first proper elections of the European parliament in 1979 with an overall turnout of 65.7 per cent, which was higher than the European Community average of 65.7 per cent (Bale 2008).

Germany has played a leading role in the core projects of the European Union, such as creation of the Single Market in 1993, the Single European currency in 1999 and the enlargement towards ten new member states in Central and Eastern Europe in 2004 and 2007. It has also promoted institutional reform in the wake of the creation of the creation of the European Union under the Maastricht Treaty in 1993 and been actively engaged in the process of drafting a constitutional treaty for the EU. Germany remained a strong supporter of the treaty after it had been rejected in public referenda in France and the Netherlands in 2005 and again in its revised form as the

Lisbon Treaty in Ireland in 2008. The German grand coalition under Angela Merkel had not only been instrumental in relaunching the constitutional treaty at the Lisbon summit in December 2007 but also in opposing calls for the abandonment of the process of institutional reform in the wake of the first Irish referendum. The German parliament ratified the Lisbon Treaty after a parliamentary vote on September 25th 2009. The German Federal Constitutional Court had previously examined the treaty and issued a decision on it on after the EP elections on June 27th. The decision was a response to a constitutional appeal put forward by a group of populist Eurosceptics lead by CSU politician Peter Gauweiler, who argued that the treaty would undermine the sovereignty of the German parliament and the regional chamber, the *Bundesrat*. The resulting ruling confirmed that the treaty was in principle consistent with the principles of the German basic law. At the same time the court emphasised that democratic legitimacy under the current constitutional setting must remain on the national level. The FCC consequently determined a definite check on further integration steps should these be decided by policy-makers in the future. Parliament was granted the right to ratify it on the condition that the constitutional arrangements for the enhanced participatory rights of the German national parliament would be clarified (Federal Constitutional Court 2009).

In spite of the prevailing pro-European consensus amongst the German political elite, German European policy has in recent years become more pragmatic. In contrast to their predecessors in the Bonn republic, who had experienced the trauma of the Second World War, the younger generation of

German leaders in the Bonn republic no longer consider European integration as a question of war or peace and approach individual policy areas increasingly on the basis of a cost-benefits analysis (Hyde-Price 2000: 5). The German political elite has consequently been much bolder than in the past in openly defending their country's national interest, particularly in the area of migration and enlargement. Prime examples for this are the insistence of the red-green coalition led by Chancellor Gerhard Schröder (1998-2005) on transitional periods restricting the free movement of workers from the new CEE member states and the reluctance of his CDU successor as Chancellor, Angela Merkel, to agree to further enlargement in the near future. Under Merkel Germany has supported France in putting the brakes on the Turkish membership bid and has generally been reluctant to support further waves of enlargement. In this respect Merkel has introduced the notion of 'finality' into the debate on the future of European integration when she spoke about the need to concentrate on the deepening of political integration and to limit further membership offers to the countries of the Western Balkans (Merkel 2009). Overall the EU has become less of a central issue in German domestic politics than it was in the past. This is in response to a change in public opinion in Germany in recent years, where a growing scepticism towards the way the EU operates can be detected.

2. Campaign

Like national elections, European parliament elections in Germany generally take place on Sundays and polls close at 6pm. The 2009 EP election was

held on June 7th 2009 and coincided with municipal elections in various regions across the country. Germany currently sends 99 members to the European parliament and they are elected on the basis of a system of proportional representation under which voters cast a single vote for one party. The 99 seats are subsequently distributed amongst the candidates on closed national or regional party lists based on the percentage share of the total number of votes each party received. Only parties who gain at least five per cent of the votes cast nationwide are taken into account, which is equivalent to the five per cent hurdle which applies in national elections in Germany.

Parties can decide to opt for a single national list or to draw up separate lists of candidates for individual German regions (*Länder*). The lists have to be submitted two months before the election takes place (68 days for national and 66 days for regional elections). Parties or political groups which are not permanently represented in the federal parliament, one of the regional parliaments or the European parliament, can only participate in the EP elections if they obtain 4000 signatures which support their registration for a national party list. If they decide to register for participation on the basis of a regional list, 2000 signatures is the minimum number required to support the application (German Federal Ministry of Justice 1978, p.5).

The campaign for the European parliament elections in Germany is handled relatively flexibly and is not strictly limited in terms of a set time period. The election date is announced by the German Federal President, which usually

marks the start of the campaign, provided that parties have already registered. The latter is also the precondition for the equal access to public campaign funds from the federal budget. The main restriction to the campaign is a Federal Constitutional Court Ruling which prohibits the publication of any public relations materials by government bodies between the official announcement of the election date and the actual day of the election. This applies to 'working papers and reports on the efficiency and success of government policies' (German Federal Constitutional Court, 1976, IV 3.a.). Opinion polls can be published throughout the campaign, with the exception of exit polls, which must not be released before voting has officially ended (German Federal Ministry of Justice 2009, paragraph 32).

The influence of the EU Commission representation and the European parliament information office on the EP election campaign remains limited. The German European parliament information office run a publicity campaign based on the theme 'European elections – Your decision' which was targeted at boosting turnout by informing about voting procedures, the influence of the national vote in the European parliament and registration deadlines for the electoral register (German European Parliament Information Office 2009).

3. Parties in campaign

A total of 32 parties were officially registered for the EP election campaign in Germany in 2009. Apart from the six main political parties which are represented in the Bundestag (*Christlich Demokratische Union, Christlich*

Soziale Union, Sozialdemokratische Partei Deutschlands, Freie Demokratische Partei, Bündnis90/Die Grünen, Die Linke), the following 26 marginal parties also participated in the campaign in Germany (in alphabetical order):

- *50 Plus Das Generationen-Bündnis*
- *Ab jetzt... Bündnis für Deutschland, für Demokratie durch Volksabstimmung*
- *AUF-Partei für Arbeit, Umwelt und Familie / Christen für Deutschland*
- *Aufbruch für Bürgerrechte, Freiheit und Gesundheit*
- *Bayernpartei*
- *Bürgerrechtsbewegung Solidarität*
- *Christliche Mitte – Für ein Deutschland nach Gottes Geboten*
- *Deutsche Kommunistische Partei*
- *Deutsche Volksunion*
- *Die Grauen – Generationspartei*
- *Die Republikaner*
- *Die Violetten – für spirituelle Politik*
- *Europa – Demokratie – Esperanto*
- *Familien-Partei Deutschlands*
- *Feministische Partei Die Frauen*
- *Freie Bürger-Initiative*
- *Für Volksentscheide (Wählergemeinschaft)*
- *FW Freie Wähler*
- *Mensch Umwelt Tierschutz*
- *Newropeans*

- *Ökologisch-Demokratische Partei*
- *Partei Bibeltreuer Christen*
- *Partei für Soziale Gleichheit, Sektion der Vierten Internationale*
- *Piratenpartei Deutschland*
- *Renterinnen und Rentner Partei*
- *Rentner-Partei-Deutschland*

The domestic political context surrounding the election was characterised by a rather unusual setting, with the two largest parties CDU/CSU and SPD in a grand coalition government on the federal level and the smaller parties (FDP, Bündnis90/Die Grünen, Die Linke) in opposition. Like in national elections, the CDU was registered for the EP election in all German regions apart from the state of Bavaria, which is the exclusive electoral domain of its sister party, the CSU (Christian Social Union).

4. Campaign issues

The 2009 EP election campaign in Germany was substantially influenced by domestic issues due to the proximity between the EP election on June 7th and the federal general election, which held on September 27th. Like in many other EU member states, European parliament elections in Germany tend to be dominated by domestic issues and can therefore be characterised as second-rate elections which test the national political mood (Wüst and Tausenpfund: 5). The 2009 campaign for the EP elections in Germany was dominated by the ongoing effects of the global economic crisis which has fundamentally

affected many European economies. Both government and opposition parties in Germany used the campaign to promote their own priorities for national and European policy solutions to counter the effects of the crisis. This was particularly in relation to finding more efficient ways to regulate the financial industries, whose reckless lending and speculation practices had caused the crisis and to dealing with the resulting rising levels of unemployment. With their focus on this issue the parties consequently responded to the overarching desire of German voters to address the issues of unemployment (57 per cent) and economic growth (53 per cent) with inflation and purchasing power ranking third (48 per cent) (European Parliament 2009: 2).

The electoral campaign took place in a rather unusual setting, with the two main parties CDU/CSU and SPD being strung together in a grand coalition. Both parties had formed it after the 2005 general election because neither had managed to gain enough seats to be able to form a viable coalition with one of the smaller parties. The latter hence remained in opposition and were hoping to make gains amongst those voters who were dissatisfied with the work of the grand coalition. At the same time CDU/CSU and SPD were trying to use the European parliament election campaign to test the political mood in the run-up to the general election in the autumn. The election manifestos of both parties had a distinctly European focus and avoided any reference to domestic political disagreements within the grand coalition.

While both parties stressed the need to deepen common European efforts to create jobs and to develop an efficient regulatory framework for the financial

sector, dividing lines emerged with regard to the future shape of the Single European Market. The CDU had to develop its national campaign in the context of the clear preference of the European People's Party's/Christian Democrat group in the European parliament for the acceleration of the Single Market liberalisation agenda. One of the main priorities of the EPP for the new parliamentary term of the EP were that 'free competition and a spirit of enterprise must be championed as factors that will create jobs and thus protect purchasing power'. The EPP also stressed that 'every barrier to the Single Market that falls creates the possibility of new competitive jobs' (EPP 2009: 9). In its own campaign the CDU avoided such neoliberal rhetoric and instead promoted the German social market economy, which it characterised as 'the inextricable link between a free economic and a solidary social order' as a role model for the rest of the EU (CDU 2009: 2). This foreshadowed the rather moderate tone the CDU would adopt during the national general election campaign. It was clear that Chancellor Angela Merkel was keen to avoid the mistake she had made in 2005, when she promoted herself as a radical reformer and consequently allowed the SPD to gain substantial ground by warning the electorate that a government formed by the CDU/CSU and the FDP would lead to the demise of the German model. This explains why the CDU started to adopt the notion that the German social market economy should act as a best-practice model for other member states and the Single Market as a whole. This had already been promoted by the SPD for a number of years and was criticised by the CDU in the past, particularly when Merkel's predecessor Gerhard Schröder campaigned on a platform which advocated the social market economy as 'the German way', where 'morality and

responsibility certainly apply to the economy and the stock exchange' (Schröder 2002). This revised position was also supported by the CDU's Bavarian sister party, the CSU, which had in the past been critical of tendencies in the CDU to advocate radical reforms of Germany's economy and welfare system. This was emphasised in the joint election announcement of both parties published on June 7th 2009, where they praised the social market economy as the 'successful and human answer to the failed systems of the socialist planned economy and untamed capitalism' (CDU/CSU 2009: 1).

The SPD used the 2009 EP election campaign to highlight the need to deepen efforts to create a common European economic and social policy framework which should be designed to protect citizens from the effects of globalisation and to limit the negative effects of unregulated market competition. Like in previous campaigns it promoted the German social market economy as a role model for the EU and the rest of the world. One of its election slogans was 'For social market economy – in Europe and the world'. The SPD campaign was spearheaded by MEP Martin Schulz, leader of the Group of the Progressive Alliance of Socialists and Democrats in the EP. Schulz is an outspoken critic of the Barroso Commission, whom he accuses of promoting neoliberal policies in the EU. He therefore actively campaigned against the reappointment of José Emanuel Barroso as Commission president and warned that 'Conservatives and neoliberals want a Europe which puts the free market and competition above all' (Schulz 2009). In its EP election manifesto the SPD presented a contrasting vision by

stressing the need to develop a democratic, social and environmental regulatory framework for the EU with an emphasis on employees rights, job quality, and stronger coordination of national policies in the area of employment, welfare, the economy and finance (SPD 2009). The SPD campaign reflected the policy priorities in the manifesto of the Party of European Socialist Groups in the EP, especially in respect of the call for a new European financial architecture with enhanced supervisory powers over banks and financial institutions. The PES manifesto called for a regulatory system which would offer 'a new standard for transparency and disclosure':

Regulation should cover all financial players (...) The key issues are obligations to disclose asset and regulatory structures, more stringent requirements to inform investors about risks, the limitation of excess debt financing and restrictions on investments (PES 2009: 23).

On the opposition side the largest party in the German *Bundestag*, the Free Democrats (FDP), who aspired to offer themselves as a potential government coalition partner for the CDU after the federal election, predominantly targeted their EP election campaign on the future institutional shape of the EU. The FDP election manifesto hence highlighted the need to swiftly ratify the Lisbon Treaty which would help to make the EU more transparent and democratic and to achieve the vision of a 'Europe of the citizens' (FDP 2009: 2). The FDP generally highlighted the need to reduce the level of bureaucracy, to enhance civil liberties and to introduce a strict overall spending for the EU budget. The completion of the full liberalisation of the

Single Market was emphasised as a major priority during the campaign. The FDP considered a fully liberalised as essential for the creation of jobs and greater consumer welfare through 'decreasing prices, higher quality and greater choice' (FDP 2009: 9). The FDP's political group in the EP, the Alliance of Liberals and Democrats for Europe (ALDE) emphasised similar issues (civil liberties, Lisbon Treaty) but also specifically put forward policy proposals on the financial crisis and the future of cohesion policy.

B90/Grüne put forward their vision of an EU as a global force for environmental protection which 'responds to the financial, climate and poverty crisis by initiating an ecological and social transformation of industrial society' (B90/Grüne 2009: 1). Like the SPD the party criticised the 'neoliberal tendency' in the EU policy framework in recent years and called for the renewed efforts on the EU level to develop joint policies in the area of environmental and social protection, civil liberties and peaceful conflict resolution. This 'New Deal' was especially targeted at achieving social solidarity in the societies of the member states by introducing a European social pact which determines EU-wide standards on welfare security and employee rights (B90/Grüne 2009: 5). Linked to this was the call for the stronger regulation of financial markets and the introduction of a European tax on financial speculation.

Die Linke concentrated its electoral campaign on the reform of the Single European Market in response to the global economic crisis. The LP was the most outspoken in condemning the EU's Single Market agenda as a

neoliberal project which had for many years promoted the deregulation of financial markets and hence contributed to the resulting crisis:

Since the Single European Act of 1987 and the Treaty of Maastricht in 1992 the predominant policy in the EU substantially contributed to the current financial and economic crisis and to expose democracy to the financial markets (Die Linke 2009: 3).

The party called for the introduction of a new strategy of social integration and environmental protection which should be supported by the creation of a European economic government with powers to coordinate fiscal, financial and economic policy (Die Linke 2009: 6). As expected Die Linke also highlighted the need to tighten the regulation of financial markets substantially by introducing 'traffic controls for capital' and a new tax on financial transactions. The party also called for the prohibition of hedge, private equity, real estate investment funds and any similar sort of fond. Overall the quality of employment was at the centre of its EP manifesto, with the clear opposition against the concept of 'flexicurity' and the call for 'good work' based on minimum wages and generally higher wage levels (Ibid p. 9). The future of the EU's security and defence policy was also a major issue in the campaign of Die Linke. The party advocated a pacifist relaunch of the EU's security policy which should concentrate exclusively on non-military preventive civilian conflict resolution and abolish the existing military capabilities of the EU like the Rapid Reaction Force. The call for the abolition of NATO and the closing of any US military bases in EU member states showed that the Linkspartei

remained firmly in the foreign policy tradition of its East German communist predecessor the SED/PDS (Ibid p. 18). Die Linke is a member of the European United Left/Nordic Green Left Group in the European parliament, who also concentrated their election campaign priorities on the opposition to the Lisbon Strategy (in particular the preservation of public services and the rejection of the EU services directive) and a civilian EU foreign and defence policy (GUE/NCL 2009).

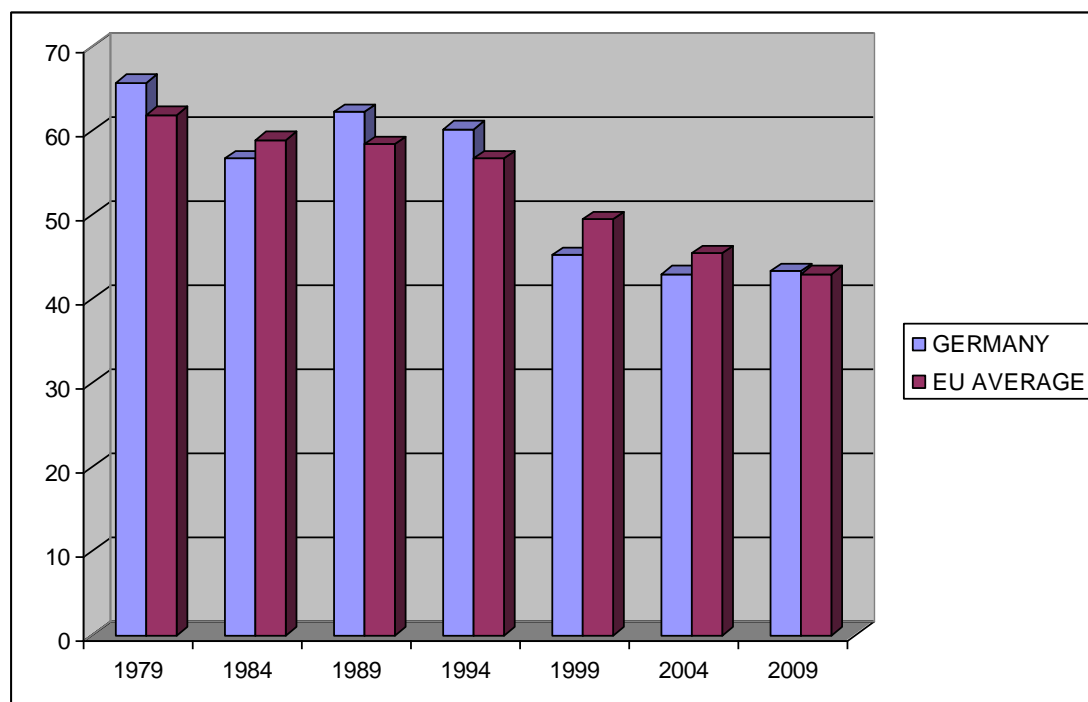
The EP elections in Germany were not characterised by any major dispute between domestic policy-makers and the EU. An important issue which was put at the forefront of the campaign of all parties was the Lisbon Treaty, which was supported by an almost uniform consensus amongst the parties represented in the *Bundestag*, with the exception of Die Linke. The latter opposed the treaty on the basis that it would reflect attempts of the EU to strengthen the foreign and security pillar of the EU and to 'react to the inevitable consequences of its economic policy which is based on exploitation, unfair trade relations and destruction of the environment by military means' (Die Linke 2009: 2). Die Linke also singled out the Lisbon Treaty as a document which reflected the continuation of the EU's neoliberal Single Market policy on the basis of 'liberalisation, deregulation and the privatisation of public services' (Ibid). B90/Grüne proposed to hold EU-wide referenda on the Charta of Fundamental Rights if the Lisbon Treaty would not be ratified. They also confirmed that they aspired to work towards achieving the establishment of a 'slim' basic EU constitution with essential basic civil and social rights as a long-term goal (B90/Grüne 2009: 6).

5. Public interest

The German public has in recent years shown decreasing levels of interest in EU institutions and policies. This reflects a growing scepticism towards the role of the EU in a country that has traditionally been one of the most enthusiastic supporter of the European integration process. Germans tend to generally still display a relatively high level of trust and support in the EU and its institutions when compared to other member states. However, the number of Germans who feel that the EU is too bureaucratic and distant from the interests of its citizens has risen in recent years. In 2008 56 per cent of Germans stated that they did not think that their voice would count in the EU. This figure declined slightly in the most recent Eurobarometer (Spring 2009), where a slim majority of Germans now thinks that their voice counts within the EU (46 per cent), against 44 per cent who think that it does not. Support for the European Parliament as an institution remains relatively high, with 49 per cent of Germans expressing trust in the EP (European Commission 2009a: 22-23). A majority of Germans (46 per cent) also supports the expansion of the role of the EP in the EU's institutional setting (European Parliament 2009: 2). This stands in stark contrast to the declining interest in EP elections in Germany. In spite of their general support for the EP as an institution, Germans show substantially less interest in EP elections than citizens in other member states. 53 per cent of Germans stated that they had no interest in the 2009 EP elections, which is a higher figure than in 13 other member states, with the lowest number of those showing no interest recorded in Greece

(European Commission 2009b: 4). These figures are reflected in the general trend with regard to turnout in EP elections in Germany, which has declined from the peak of 65.73 per cent in the first election in 1979 to the lowest turnout of only 43.3 per cent in the latest 2009 elections. As Figure 1 shows Germans follow the general trend amongst the EU citizens towards abstention from EP elections, with the EU-27 average turnout in the 2009 elections standing at 43 per cent.

Figure 1: Turnout in EP elections 1979-2009



Source: European Parliament

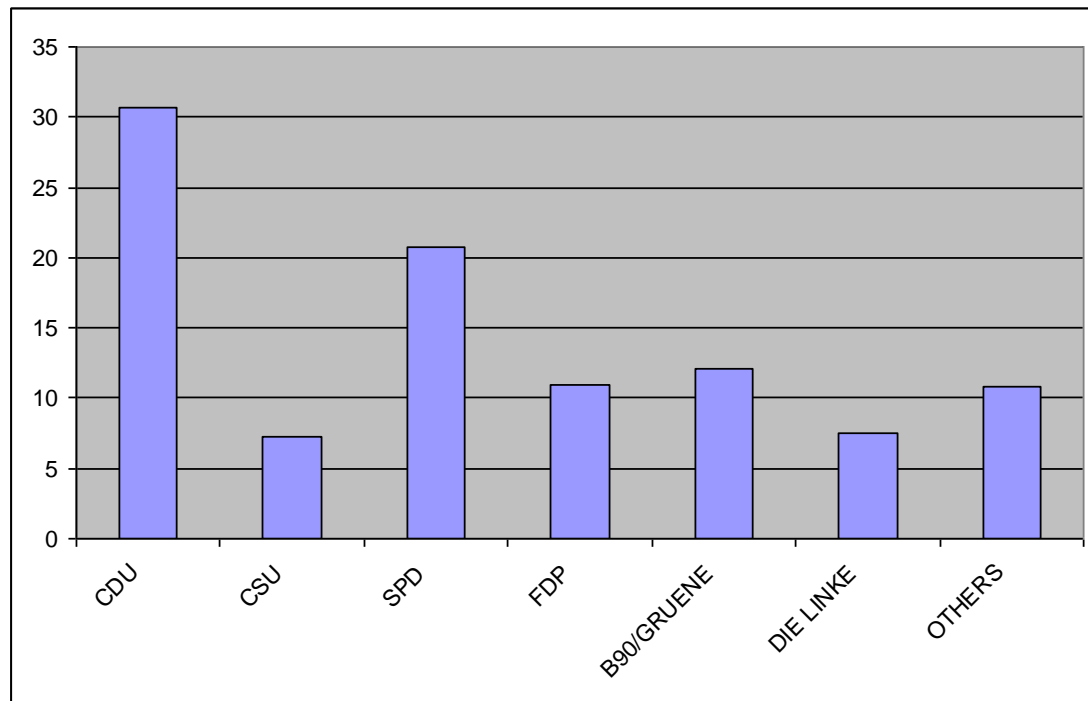
Like in many other EU member states the reasons for the decline in turnout at EP elections in Germany seems to be less a reflection of a scepticism about the role of the EP. It is rather an expression of a general feeling of remoteness amongst citizens from the decision-making processes in the EU, which is linked to the perception that they do not have enough information on the role of individual institutions. The EU is hence increasingly seen as an institution 'where the governments of the member states exchange views and makes decisions and less as a location where they can participate in decisions' (Hegewald and Schmitt 2009 :16). The granting of further powers to the EP has not managed to reverse this trend, even in pro-integrationist countries like Germany, which makes it likely that the discussion on the EU's perceived lack of democratic accountability is far from over in the wake of the ratification of the Lisbon Treaty.

6. Result

The outcome of the 2009 EP election in Germany reflects the fact that those voters who participated in the poll considered it to be mainly as an opportunity to express dissatisfaction with the domestic grand coalition government. As expected, the parties of the governing coalition (CDU, CSU, SPD) lost votes while the smaller parties made gains. Particularly the CDU faced losses (minus 5.9 per cent), in spite of generally high approval ratings for Chancellor Angela Merkel and favourable domestic opinion polls for CDU and CSU. The CSU lost marginally (minus 0.8 per cent). As figure 2 shows, the CDU remained just above the 30 per cent mark while the SPD again had to accept

a poor result with barely 20 per cent (minus 0.7 per cent of the votes) of the share of the votes.

Figure 2: EP 2009 election result in Germany



Source: Bundeswahlleiter

This was significant because the SPD's showing substantially weakened the standing of the Socialist Group in the EP. The result foreshadowed a poor outlook for the SPD at the upcoming federal elections and put its leadership, particularly the leading candidate for the federal election, foreign minister Frank Walter Steinmeier, under substantial pressure¹. The EP elections showed that the SPD had not benefitted from its role as junior partner in the grand coalition and was also failing to convince voters that it had the right answers to the economic challenges following the global crisis. In addition, as the CDU and Chancellor Merkel presented themselves in their new role as the

¹ Frankfurter Rundschau 'Geballte Ratlosigkeit', 9 June 2009.

guardian of the German market economy it became extremely difficult for the SPD to promote itself as the social conscience of the government. In spite of the CDU losses the EP elections had made it likely that the federal election in September would lead to the formation of a CDU-CSU/FDP coalition. This was mainly due to the fact that voters strengthened the smaller parties who were in opposition on the national level, which particularly benefitted the FDP (plus 4.9 per cent) and to a lesser extent Die Linke (plus 1.4 per cent) and B90/Grüne (plus 0.2 per cent). The strong FDP showing boosted the party's confidence in its ability to win enough votes at the national general election to form a government with the CDU/CSU².

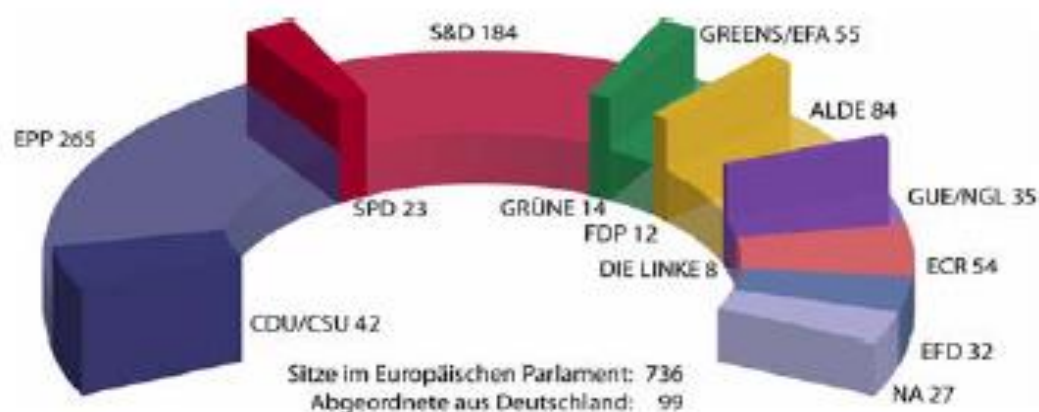
The EP election result gave a good prediction of the share of the votes the parties could expect at the subsequent federal general election in September. The actual result of the national poll closely mirrored the EP election result which illustrates the character of EP elections as tests of the national political mood in which voters vote predominantly on domestic issues. In the federal general election the CDU received 27.3 per cent of the votes, with the CSU at 6.5 per cent, which brought their total share of the votes up to 33.8 per cent. Their ability to form a government was boosted by the FDP's strong showing at 14.6 per cent. The SPD received the worst national share of the votes in its history and managed to gain only 23 per cent, which was widely considered as an electoral disaster for the party. The EP elections had therefore set the trend for a poor showing of the SPD which the party was unable to reverse during the national election campaign that followed the EP elections in June.

² Die Welt, 'Westerwelle sieht sich auf dem Weg in die Regierung', 9 June 2009.

Bündnis90/Grüne (10.7) and Die Linke (11.9) also remained very close to their EP election results in the national election.

Germany was allocated the largest number of seats in the EP (99) under the institutional reforms that had been determined in the Nice Treaty. This was an acknowledgement of the fact that Germany is the member states with the largest size of the population and a compensation for the failure of the Schröder government to convince France and the UK to grant Germany the largest number of votes in the Council during the Nice negotiations (Schweiger 2007: 97). Figure 3 shows that out of the 99 seats in the EP the largest share is situated in the EPP political group, with CDU and CSU being represented with 42 seats of the total of 265 allocated to the group.

Figure 3: Seats allocated to German parties in the EP political groups after the 2009 election



Source: Bundeswahlleiter (2009) *Europawahl 2009: Ergebnisse in*

Deutschland.

Germany is also represented with three vice-presidents of the EP, Rainer Wieland from the CDU, Dagmar Roth-Behrendt from the SPD and Silvia Koch-Mehrin from the FDP, who is also vice-chairman of the ALDE group.

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